



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,194	12/20/2001	Manabu Kii	450100-03675	9663

20999 7590 02/23/2005

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

KINDRED, ALFORD W

ART UNIT PAPER NUMBER

2163

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,194	KII ET AL.	
	Examiner	Art Unit	
	Alford W. Kindred	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-14 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14, and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: Amendment filed on 10/14/04.

This action is made final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 12-14 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nusbick et al., US# 6,119,113.

As per claims 1, 7, and 10, Nusbick et al. teaches "recording a unique identifier to each of a plurality of storage media issued" (see abstract) "a database for storing and managing the identifiers" (see col. 2, lines 64-67 and col. 3, lines 1-15) "reading the recorded identifier from any of said storage media" (see col. 8, lines 55-67) "said reading means against said identifiers managed in said database" (see col. 8, lines 45-67) "the storage medium identified by the checked identifier depending on a result of the check by said checking means" (see col. 4, lines 66-67 and col. 5, lines 1-22).

As per claim 2, Nusbicked teaches "said identifiers, right information which denotes services available to said storage media identified by said identifiers" (see col. 6, lines 21-46).

As per claims 3-4, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-2, and are similarly rejected.

As per claim 5, Nusbicked teaches "content data storing means for storing a plurality of content data items" (see col. 2, lines, 64-67 and col. 3, lines 1-14) "allows relevant content data to be downloaded from said content data" (see 3, lines 49-67, whereas Nusbicked's Web server and HTTP compatible product, clearly illustrate the ability to upload and download data in a fashion similar to applicant's claim language.

As per claim 6, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 5 and is similarly rejected.

As per claims 7-8, these claims are rejected on the grounds corresponding to the arguments given above for rejected claim 1 and are similarly rejected.

As per claim 9, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

--Nusbicked teaches "Judging means for judging whether or not the corresponding right information indicates permission to download . . ." (see col. 4, lines 3-45, whereas the Nusbicked's web browser include the capacity to indicate whether information indicates permission to transfer in a manner claimed by the applicant).

As per claim 12, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

--Nusbicked teaches "a management server . . . storing means . . ." (see col. 3, lines 49-65).

As per claims 13-14, Nusbicked teaches "update information creating means . . . updating authentication information stored . . ." (see col. 2, lines 2-17).

As per claims 26, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

Response to Arguments

4. Applicant's arguments filed 10/14/04 have been fully considered but they are not persuasive.

--As per applicant's arguments regarding "Nusbicked fails to teach or suggest service offering means for offering a service to the storage medium identified by the checked identifier . . .", examiner maintains that Nusbicked's location means for data files and its ability to include records with unique identifier, reads on applicant's use of the phrase "service offering means for offering a service to the storage medium. Whereas Nusbicked's identifiers can be associated with a storage medium in a manner similar to applicant's claim language.

--As per applicant's arguments regarding "applicant submit the 'identifier' disclosed in Nusbicked is different from recording a unique identifier to each of a plurality of storage media . . .", examiner maintains that Nusbicked's "identifier" element is unique to each database record, which include media information and therefore reads on applicant claim language of recording a identifier to a plurality of storage media.

Art Unit: 2163

--As per applicant's arguments regarding "Nusbicked fails to teach or suggest checking the identifier read from the storage medium against said identifiers stored in said database . . .", examiner maintains Nusbicked's teachings of identifiers relating to database records reads on applicant's claim language above. Whereas Nusbicked database record has the capacity to include data for checking identifiers.

Conclusion

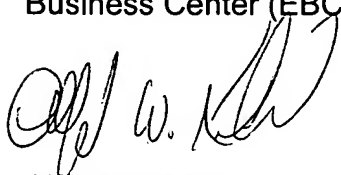
5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Alford W. Kindred', is written over the printed name.

Alford W. Kindred
Patent Examiner
Tech Ctr. 2100